

DOCKET FILE COPY ORIGINAL

September 23, 2004

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Petition for Rule Making  
Sunrise Beach Village, Texas

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my  
Petition for Rule Making to allot Channel 293A to Sunrise  
Beach Village, Texas.

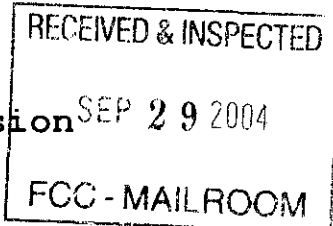
Respectfully submitted,

Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 520-7077 Tele

No. of Copies rec'd 014  
List ABOVE  
MB 04-168

SunRiseCover

Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of )  
 )  
Amendment of 73.202 (b) ) MB Docket No. \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
(Sunrise Beach Village, TX )

To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau

PETITION FOR RULE MAKING

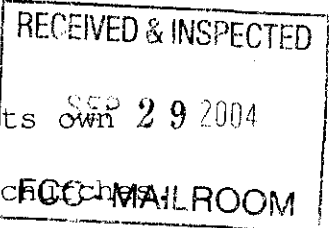
Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 293A at Sunrise Beach Village, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 293A to Sunrise Beach Village, Texas as that community's first service. Sunrise Beach Village is an incorporated city with a population of 704 people.<sup>1</sup> Sunrise Beach Village has its own mayor, Paul Flemming, its own city offices, its own post office, its own zip code, 78643, its own police

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<sup>1</sup> U.S. Census 2000



department, David L. Slavens, Chief of Police, its own volunteer fire department and a number of local

Sunrise Beach Village is certainly a community that is deserving of its own local station. The proposed Channel 293A will provide additional diversity and an outlet for local self-expression to Sunrise Beach Village residents and therefore is in the public interest.

In order for Channel 293A to be allotted to Sunrise Beach Village, Texas, three vacant allotments will need to be replaced with equivalent channels, Channel 293A/ Llano, Channel 269C3/ Mason and Channel 265C2/ Menard.

Additionally, two class C stations will need to be reclassified as C0's. Station KELZ, Channel 294C at Terrell Hills, Texas and station KASE, Channel 264C at Austin, Texas must be reclassified from C's to C0's.

(See, Attachment A, Request to Reclassify Statement for Station KELZ) and (See, Attachment B, Request to Reclassify Statement for Station KASE)

The proposed changes are:

	<u>Present</u>	<u>Proposed</u>
Sunrise Beach Village, TX	-----	293A
Llano, TX	293A	269A
Mason, TX	269C3	265C3
Menard, TX	265C2	263C2
Terrell Hills, TX	294C	294C0
Austin, TX	264C	264C0

Attached hereto is a channel study confirming that

Channel 293A can be allocated to Sunrise Beach Village, Texas, consistent with the FCC's FM separation rules provided the vacant allotment for Channel 293A/ Llano is moved to Channel 269A and Station KELZ 294C/ Terrell Hills is reclassified to a C0. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment C) Note: Petition to Add Channel 293A at Sunrise Beach Village, Texas, was dismissed by FCC letter dated September 9, 2004. (See, Attachment D) Also note, channel 293A/ Llano was added to FM table of Allotments per Report & Order, DA 99-1387, released July 16, 1999.<sup>2</sup> Reference coordinates for Channel 293A at Sunrise Beach Village, Texas are:

30 33 05 N  
98 32 59 W

In order for Channel 293A to be allotted to Sunrise Beach Village, the vacant allotment for channel 293A at Llano must be replaced with channel 269A. Attached hereto is a channel study confirming that Channel 269A can be allocated to Llano, Texas, consistent with the FCC's FM separation rules provided the vacant allotment for Channel 269C3/ Mason is moved to Channel 265C3 Mason, Texas. See revision of FM Assignment Policies and Procedures, 90 FCC

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<sup>2</sup> The reference coordinates specified in DA 99-1387 for 293A/ Llano were 30 42 27/ 98 46 25.

2d 88 (1992). (See, Attachment E)

Reference coordinates for Channel 269A at Llano, Texas  
are:

30 44 10 N

98 47 30 W

In order for Channel 269A to be allotted to Llano, Texas, the vacant allotment for Channel 269C3/ Mason must be moved to Channel 265C3. Attached hereto is a channel study confirming that Channel 265C3 can be allocated to Mason, Texas, consistent with the FCC's FM separation rules provided the vacant allotment for Channel 265C2 at Menard, Texas is moved to Channel 263C2 and Station KASE Channel 264C/ Austin is reclassified to a C0. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

(See, Attachment F)

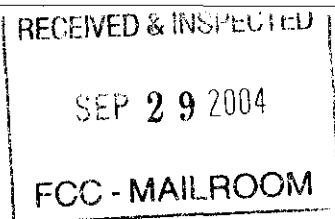
Reference coordinates for Channel 265C3 at Mason, Texas

are:

30 50 00 N

99 24 00 W

In order for Channel 265C3 to be allotted to Mason, Texas, the vacant allotment for channel 265C2/ Menard, Texas must be moved to Channel 263C2. Attached hereto is a channel study confirming that Channel 263C2 can be allocated to Menard, Texas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 91992). (See, Attachment G)



Reference coordinates for Channel 263C2 at Menard, Texas

are:

30 48 15 N  
100 00 00 W

Should this petition be granted, and Channel 293A allotted to Sunrise Beach Village, Texas, Petitioner will apply for Channel 293A, and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles Crawford", written over a horizontal line.

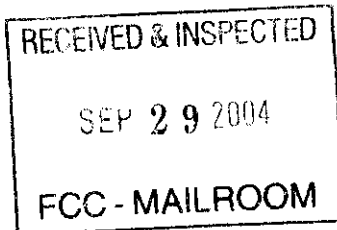
Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 520-7077      Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17<sup>th</sup> Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

September 23, 2004

**Attachment A**

(Request to Reclassify Statement for Station KELZ)



Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205

Petition for Rule Making  
FM Channel 293A  
Sunrise Beach Village, Texas  
September 23, 2004

### **Attachment A**

**Request to Reclassify  
Station KELZ(FM), Terrell Hills, Texas  
Pursuant to MM Docket 98-93**

Radio Station KELZ(FM), Terrell Hills, Texas is licensed to CXR Holdings, Inc., 3993 Howard Hughes Parkway, suite 250, Las Vegas, NV 89109, (Facility ID 70357), FCC File No. BLH 19850508KY. The facility operates with a power of 100 kilowatts with center of radiation 310 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Charles Crawford respectfully requests that the license of Radio Station KELZ(FM) be modified to specify operation on FM Channel 294C0 instead of on FM Channel 294C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Charles Crawford, the proponent of Channel 293A at Sunrise Beach Village, Texas, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KELZ(FM) as a Class C0 facility. Charles Crawford certifies that no alternative channel is available for the service he proposes at Sunrise Beach Village, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on CXR Holdings, Inc., as is required in the above Docket.

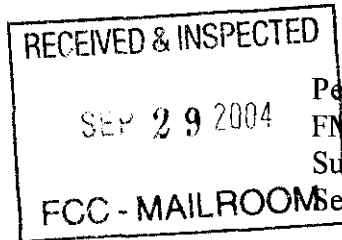
Charles Crawford



**Attachment B**

(Request to Reclassify Statement for Station KASE)

Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205



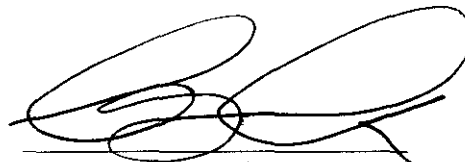
Petition for Rule Making  
FM Channel 293A  
Sunrise Beach Village, Texas  
September 23, 2004

**Attachment B**

Request to Reclassify  
Station KASE(FM), Austin, Texas  
Pursuant to MM Docket 98-93

Radio Station KASE(FM), Austin, Texas is licensed to Capstar TX Limited Partnership, 2625 S. Memorial Drive, suite A, Tulsa, Oklahoma 74129, (Facility ID 35849), FCC File No. BLH 19820628AN. The facility operates with a power of 100 kilowatts with center of radiation 363 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Charles Crawford respectfully requests that the license of Radio Station KASE(FM) be modified to specify operation on FM Channel 264C0 instead of on FM Channel 264C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Charles Crawford, the proponent of Channel 293A at Sunrise Beach Village, Texas, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KASE(FM) as a Class C0 facility. Charles Crawford certifies that no alternative channel is available for the service he proposes at Sunrise Beach Village, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Capstar TX Limited Partnership, as is required in the above Docket.



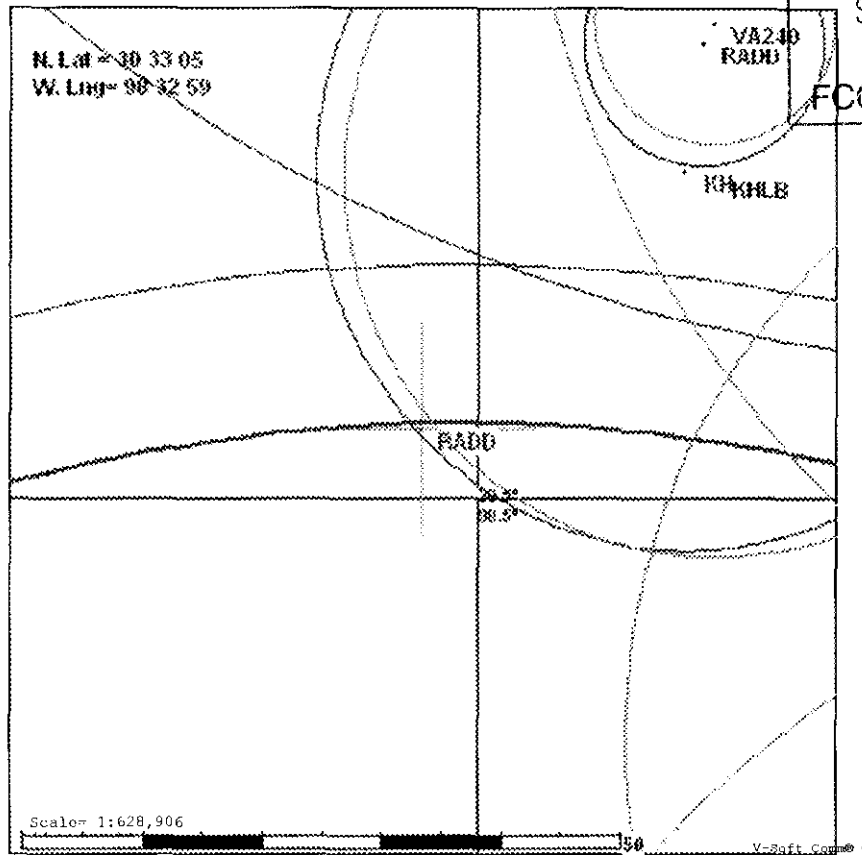
Charles Crawford

**Attachment C**

(Channel Study for Channel 293A/ Sunrise Beach Village)

SEP 29 2004

FCC - MAILROOM



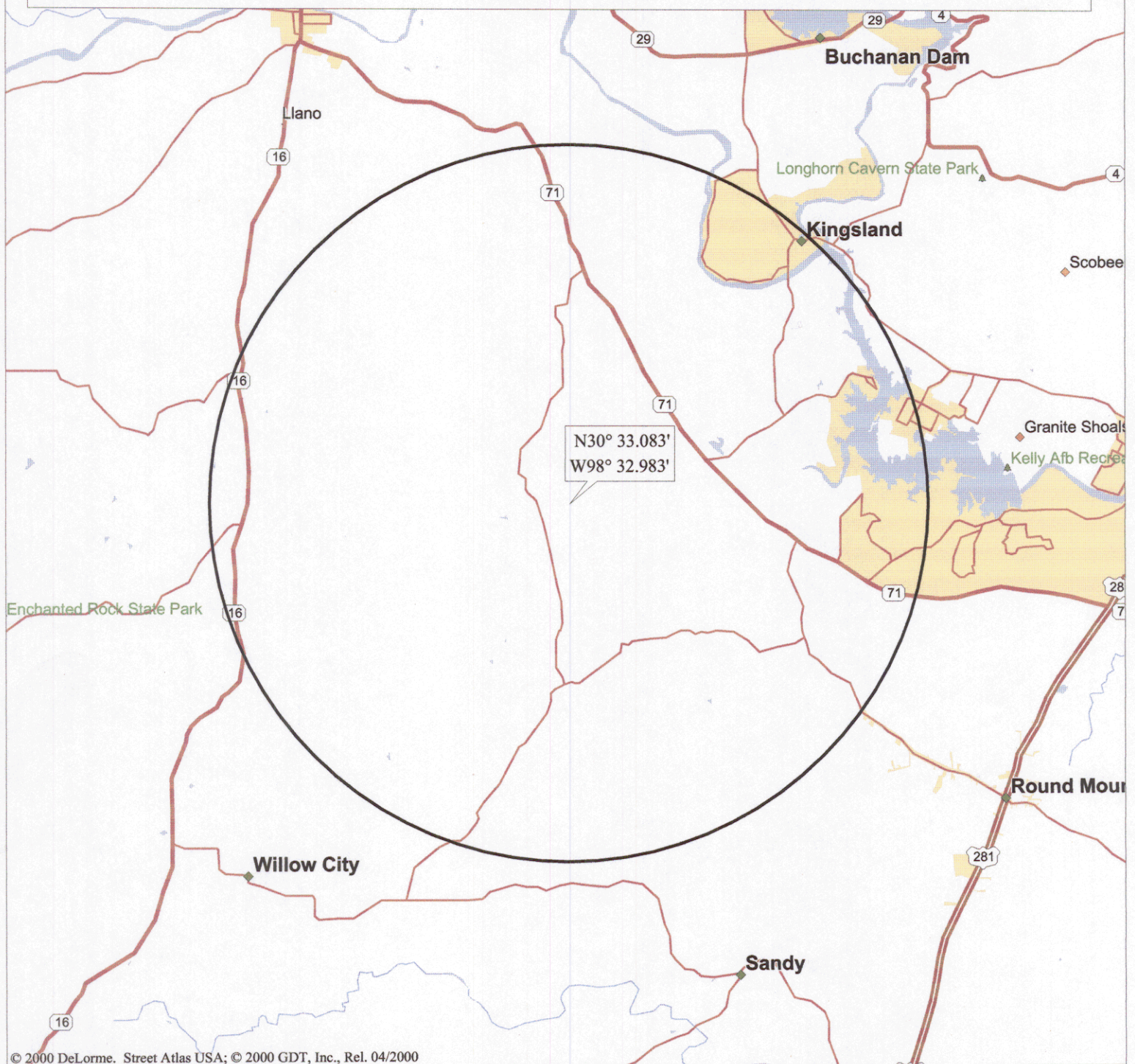
Dates:

Data: 09-21-04

Job : 09-23-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	293A	ADD	Sunrise Beach Vi	TX	0.00	0.0	115.0	-115.00
KELZFM	294C*	LIC	Terrell Hills	TX	151.59	178.7	165.0	-13.41
RADD	294C0	ADD	Terrell Hills	TX	151.59	178.7	152.0	-0.41
RADD	294C0	ADD	Terrell Hills	TX	151.59	178.7	152.0	-0.41
KHLB.C	295A	CP -Z	Burnet	TX	30.61	46.3	31.0	-0.39
KHLB	295A	LIC-Z	Burnet	TX	32.03	49.9	31.0	1.03
RADD	293C3	ADD	Cranfills Gap	TX	156.91	20.5	142.0	14.91
KFMK	290C2	LIC N	Round Rock	TX	76.39	109.3	55.0	21.39
KOOC	292C3	LIC	Belton	TX	112.72	59.4	89.0	23.72
RADD	240A	ADD	Burnet	TX	39.41	36.7	10.0	29.41
VA240	240A	VAC	Burnet	TX	41.36	36.3	10.0	31.36
KQQT	292C3	LIC	Gonzales	TX	127.38	138.6	89.0	38.38
RDEL	291A	DEL	San Saba	TX	72.61	347.5	31.0	41.61
KBALFM	291A	LIC	San Saba	TX	72.61	347.5	31.0	41.61
RADD	292A	ADD	Menard	TX	115.79	285.3	72.0	43.79
RDEL	292A	DEL	Junction	TX	117.49	266.9	72.0	45.49
AL292	292A	VAC	Junction	TX	117.49	266.9	72.0	45.49
RADD	291A	ADD	Center Point	TX	79.80	215.7	31.0	48.80
KGSR	296C2	LIC N	Bastrop	TX	104.78	116.9	55.0	49.78
AL291	291A	VAC	Kerrville	TX	81.59	225.1	31.0	50.59
RADD	291A	ADD	Richland Springs	TX	83.51	341.0	31.0	52.51
KBALFA	291A	APP-Z	San Saba	TX	85.06	354.5	31.0	54.06
AP291	291A	APP	Kerrville	TX	87.65	220.6	31.0	56.65
RADD	296A	ADD	Brady	TX	100.16	309.7	31.0	69.16
RDEL	239C2	DEL	Mason	TX	86.74	271.2	15.0	71.74
KOTY.C	239C2	CP	Mason	TX	86.74	271.2	15.0	71.74

# Sunrise Beach Village, TX CH 293A 70 dBu



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Mag 11.00

Thu Sep 23 14:28 2004

Scale 1:250,000 (at center)

5 Miles

5 KM

- Major Connector
- State Route
- US Highway
- County Seat
- Small Town
- Park/Reservation
- Locale
- Population Center

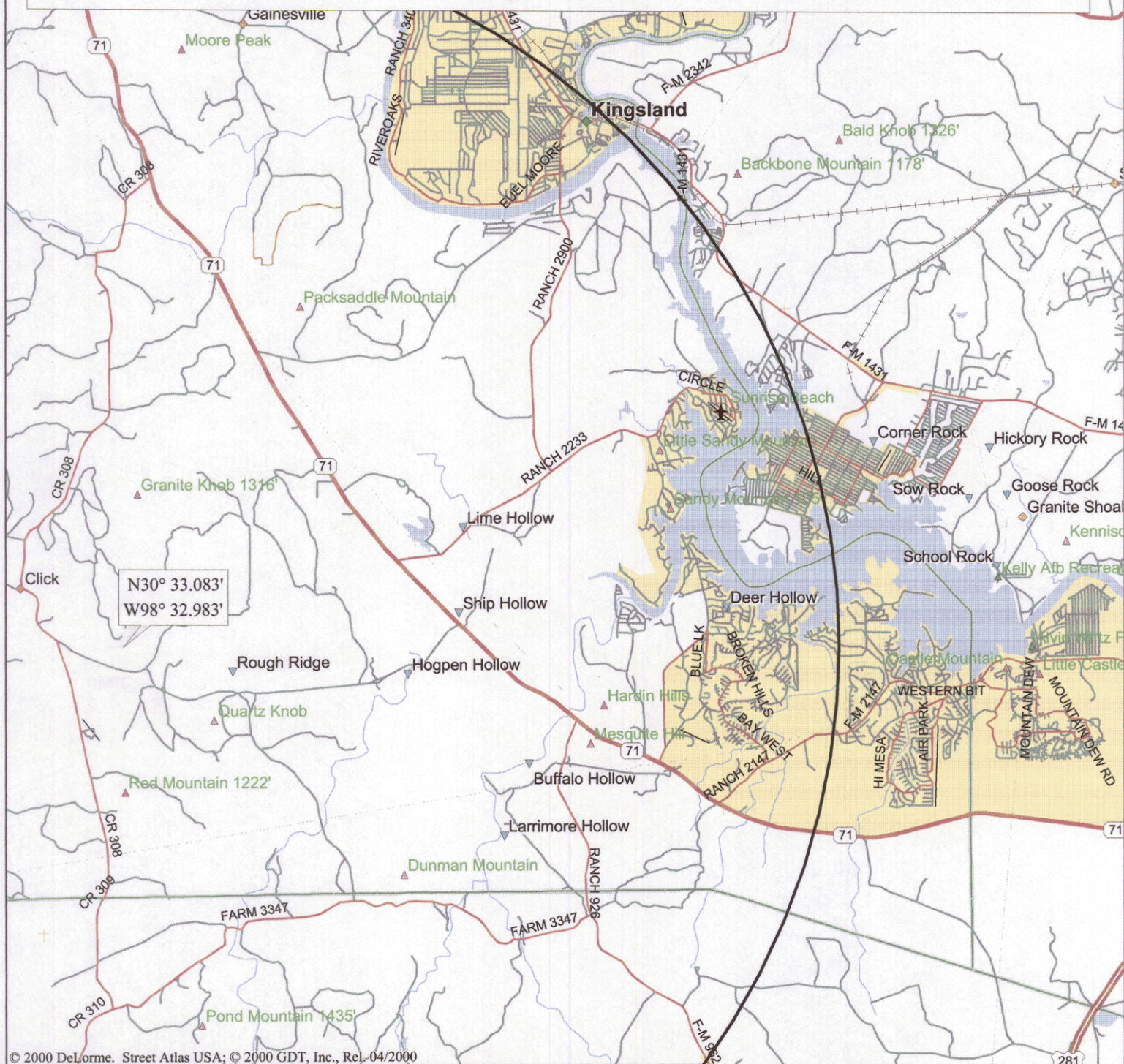
Land

Water

River/Canal



# Sunrise Beach Village, TX CH 293A 70 dBu



Mag 12.00

Thu Sep 23 14:26 2004

Scale 1:125,000 (at center)

2 Miles

2 KM

- |  |                 |  |                    |
|--|-----------------|--|--------------------|
|  | Local Road      |  | Airfield           |
|  | Major Connector |  | Summit             |
|  | State Route     |  | Geographic Feature |
|  | Trail           |  | Park/Reservation   |
|  | US Highway      |  | Locale             |
|  | Utility/Pipe    |  | Public Airport     |
|  | Railroad        |  | Cemetery           |
|  | Small Town      |  | County Boundary    |



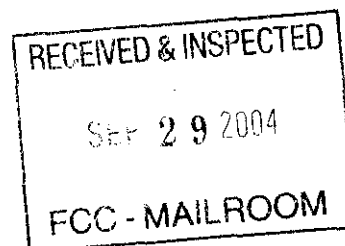
**Attachment D**

(FCC letter dismissing Petition to add Channel 293A/  
Sunrise Beach Village, Texas)



Federal Communications Commission  
Washington, D.C. 20554

September 9, 2004



Charles Crawford  
4553 Bordeaux Avenue  
Dallas, Texas 75205

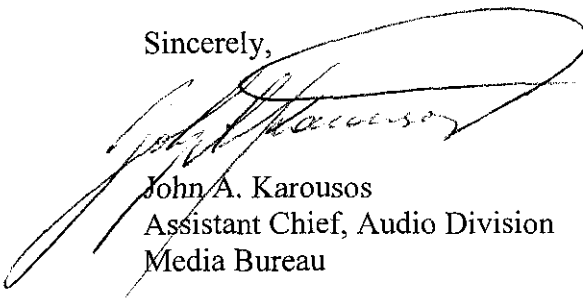
Dear Mr. Crawford:

This is in response to your petition for rule making requesting the allotment of Channel 293A at Sunrise Beach Village, Texas, as the community's first local aural transmission service. To accommodate this allotment, you also requested the reclassification of FM Station KCJZ, Channel 294C, Terrell, Texas as a Class C0 facility.

Your proposal is unacceptable for consideration at this time. Our engineering analysis indicates that the specified coordinates (30-33-05 NL and 98-32-59 WL) for Channel 293A at Sunrise Beach Village are short-spaced to vacant FM allotment Channel 293A at Llano, Texas.

Based on the above, we are returning your proposal for Sunrise Beach Village. You may resubmit the petition, provided your proposal meets all of the minimum spacing requirements of Section 73.207 (b)(1) of the Commission's Rules.

Sincerely,



John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosure



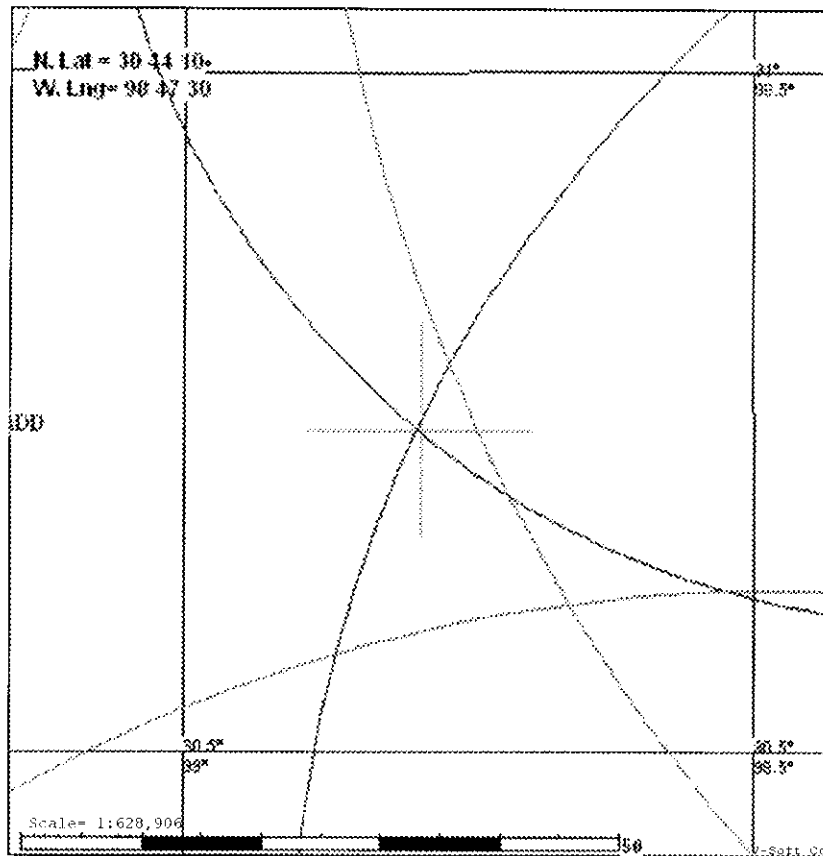
**Attachment E**

(Channel Study for Channel 269A/ Llano, Texas)

RECEIVED &amp; INSPECTED

SEP 29 2004

FCC - MAILROOM



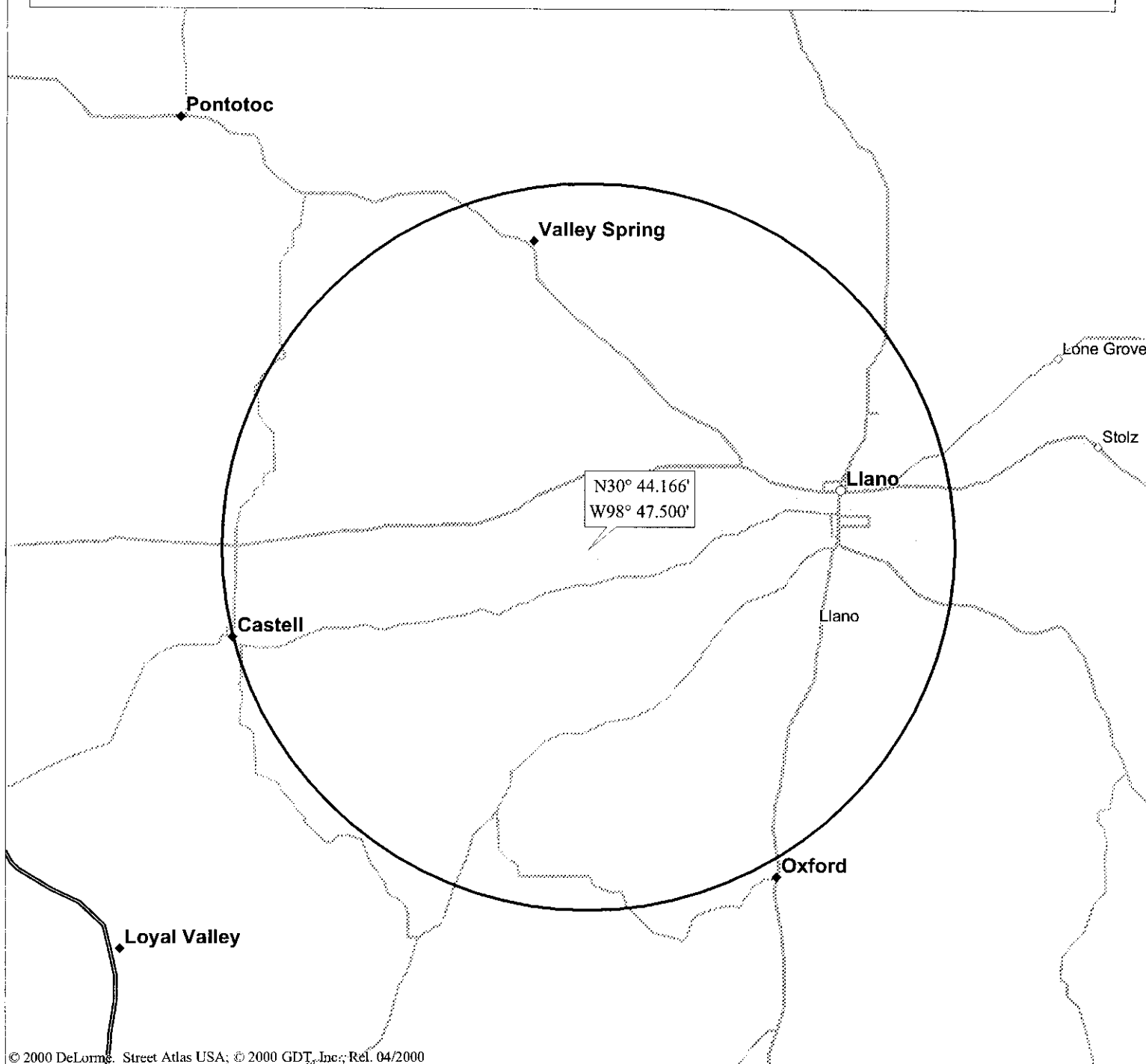
Dates:

Data: 09-21-04

Job : 09-23-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	269C3	ADD	Mason	TX	36.32	272.5	142.0	-105.68
KROXFM	268C2	LIC	N Buda	TX	105.66	115.5	106.0	-0.34
KACQ	270A	LIC	Lometa	TX	71.87	38.4	72.0	-0.13
KLTD	269C3	LIC	Temple	TX	146.34	65.5	142.0	4.34
KQXTFM	270C1	LIC	San Antonio	TX	149.01	168.5	133.0	16.01
KOXE	267C1	LIC	Brownwood	TX	112.23	348.9	75.0	37.23
KWFR	270C1	LIC	San Angelo	TX	177.65	298.7	133.0	44.65
KPEZ	272C2	LIC	Austin	TX	108.64	121.4	55.0	53.64
KONOFM	266C1	LIC	Helotes	TX	134.57	177.2	75.0	59.57
KXCT	272C2	LIC	N Coleman	TX	123.49	335.6	55.0	68.49
KHKV	216A	LIC	Kerrville	TX	83.05	202.4	10.0	73.05

# Llano, TX CH 269A 70 dBu



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





Mag 11.00

Thu Sep 23 09:39 2004

Scale 1:250,000 (at center)

5 Miles

5 KM

-  US Highway
-  Major Connector
-  State Route
-  County Seat
-  Small Town
-  Locale
-  Water

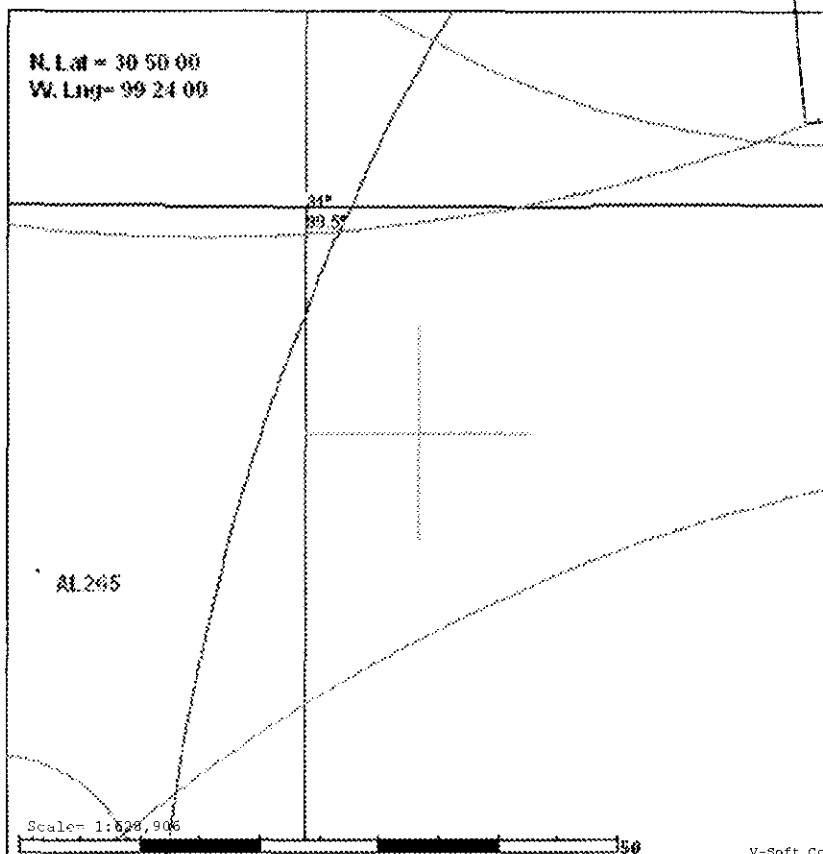
**Attachment F**

(Channel Study for Channel 265C3/ Mason, Texas)

RECEIVED &amp; INSPECTED

SEP 29 2004

FCC - MAILROOM



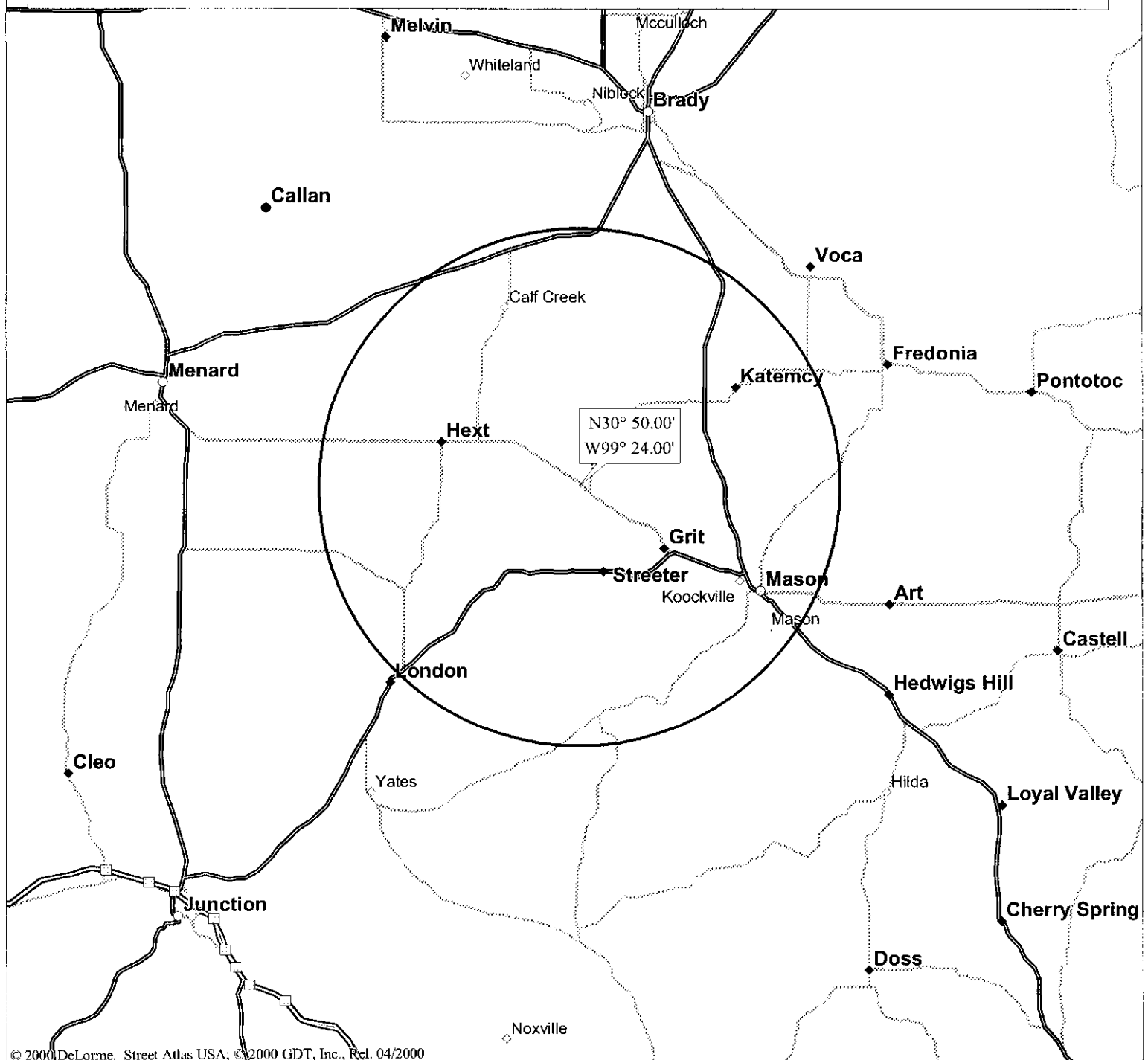
Dates:

Data:09-21-04

Job :09-23-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
AL265	265C2	VAC	Menard	TX	33.78	250.8	177.0	-143.22
KASEFM	264C*	LIC	Austin	TX	163.56	110.1	176.0	-12.44
KONOFM	266C1	LIC	Helotes	TX	159.13	155.8	144.0	15.13
KHYS	264C1	LIC N	Abilene	TX	161.05	353.5	144.0	17.05
KOXE	267C1	LIC	Brownwood	TX	105.71	19.8	76.0	29.71
990903	212A	VAC	Junction	TX	52.04	222.7	12.0	40.04
RADD	262C3	ADD	Bangs	TX	89.25	10.0	43.0	46.25
RADD	262A	ADD	Santa Anna	TX	90.50	5.4	42.0	48.50
ALLO.	265B		Piedras Negras	CI	263.24	207.5	211.0	52.24
AL266	266A	VAC	Mertzson	TX	143.21	289.7	89.0	54.21
RDEL	262A	DEL	Santa Anna	TX	96.72	3.4	42.0	54.72
KCY Y	262C*	LIC	San Antonio	TX	159.13	155.8	96.0	63.13
RDEL	262C	DEL	San Antonio	TX	159.13	155.8	96.0	63.13
KTXI	211C2	LIC-D	Ingram	TX	86.62	159.0	17.0	69.62
RADD	262C0	ADD	San Antonio	TX	159.13	155.8	87.0	72.13
RADD	262C0	ADD	San Antonio	TX	159.13	155.8	87.0	72.13

# Mason, TX CH 265C3 70 dBu



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Mag 10.00  
Thu Sep 23 09:44 2004  
Scale 1:500,000 (at center)

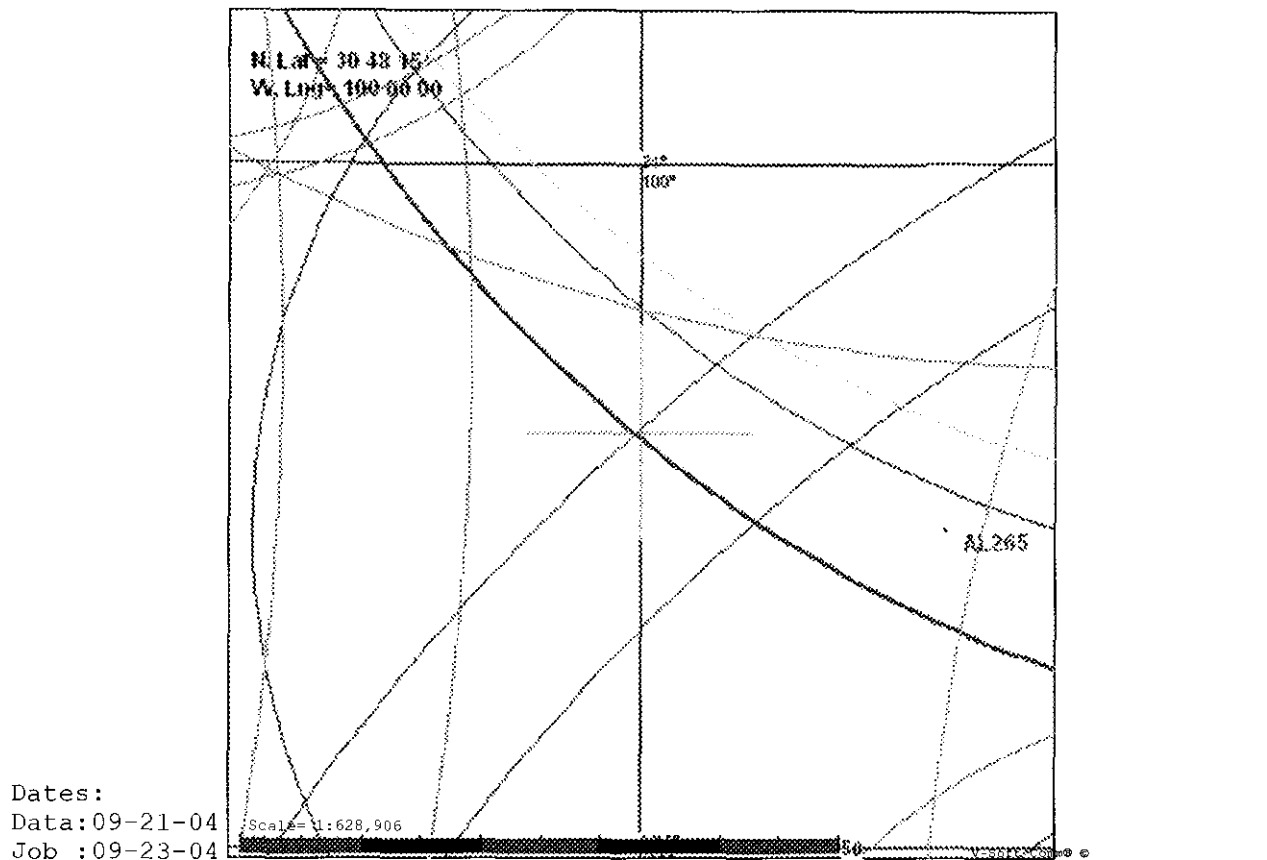
10 Miles  
10 KM

- Local Road
- US Highway
- Interstate/Limited Access
- Major Connector
- State Route
- Exit
- County Seat
- ◆ Small Town
- ◇ Locale
- Water

**Attachment G**

(Channel Study for Channel 263C2/ Menard, Texas)

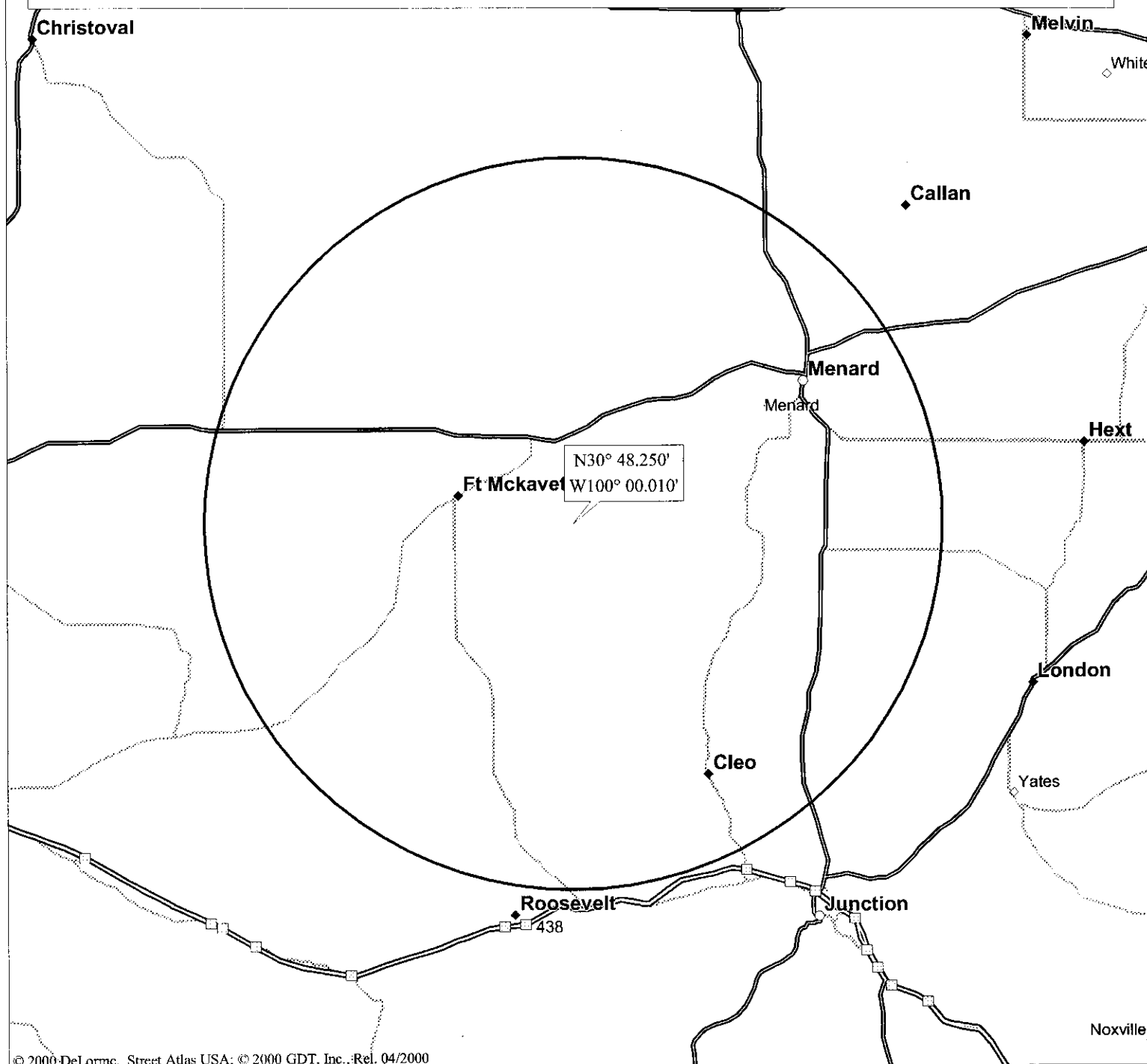
FM PROSP<sup>(TM)</sup> LOCATE STUDY CH 263 C2 100.5 MHz



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
AL265	265C2	VAC	Menard	TX	26.71	107.1	58.0	-31.29
RADD	262C3	ADD	Bangs	TX	116.62	38.3	117.0	-0.38
RDEL	262C	DEL	San Antonio	TX	187.80	138.9	188.0	-0.20
KCYZ	262C*	LIC	San Antonio	TX	187.80	138.9	188.0	-0.20
RADD	262A	ADD	Santa Anna	TX	114.19	34.9	106.0	8.19
KHYS	264C1	LIC N	Abilene	TX	167.73	13.1	158.0	9.73
RADD	262C0	ADD	San Antonio	TX	187.80	138.9	176.0	11.80
RADD	262C0	ADD	San Antonio	TX	187.80	138.9	176.0	11.80
RDEL	262A	DEL	Santa Anna	TX	117.95	31.9	106.0	11.95
RDEL	263C	DEL	Fort Stockton	TX	263.29	271.5	249.0	14.29
AL263	263C	VAC	Fort Stockton	TX	263.32	271.5	249.0	14.32
KASEFM	264C*	LIC	Austin	TX	217.65	103.8	188.0	29.65
R---	263C		Fort Stockton	TX	279.10	271.5	249.0	30.10
KYZZ	261C2	LIC	San Angelo	TX	89.21	329.6	58.0	31.21
KYZZ.C	261C2	CP	San Angelo	TX	92.82	330.4	58.0	34.82
AL266	266A	VAC	Mertzon	TX	92.82	303.2	55.0	37.82
AL260	260A	VAC	Hunt	TX	93.53	144.0	55.0	38.53
RADD	260A	ADD	Ingram	TX	101.85	139.6	55.0	46.85
VA210	210A	VAC	Rocksprings	TX	89.73	192.9	15.0	74.73



# Menard, TX CH 263C2 70 dBu



Mag 10.00

Thu Sep 23 09:53 2004

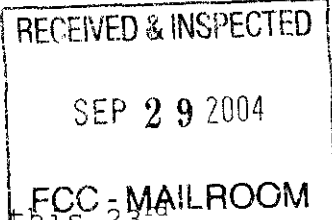
Scale 1:500,000 (at center)

10 Miles

10 KM

- |                             |          |
|-----------------------------|----------|
| — Local Road                | ◊ Locale |
| — US Highway                | Land     |
| — Interstate/Limited Access | Water    |
| — Major Connector           |          |
| — State Route               |          |
| □ Exit                      |          |
| ○ County Seat               |          |
| ◆ Small Town                |          |

CERTIFICATE OF SERVICE



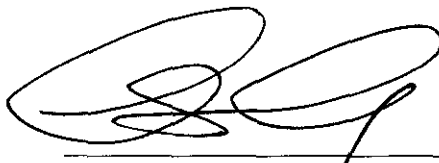
I, Charles Crawford, hereby certify that on this 23<sup>rd</sup> day of September, 2004, I caused copies of the foregoing "Petition for Rule Making for Sunrise Beach Village, Texas" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby-TW-A325  
Washington, D.C. 20554

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